

Stephen Shostek

819 SE Morrison St., Suite 130
Portland, OR 97214

Core Energetics Therapist

Stephen@stephenshostek.com
www.stephenshostek.com
503-963-8600

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To: Chair of the House Committee on Behavioral Health Representative Mitch Greenlick, and
Committee Members

Subj: February 4, 2020 Public Hearing for HB4031; Opposition to HB4031 Section 1

Thanks for this opportunity to share my thoughts with you about House Bill 4031. I appreciate having this opportunity for engagement and appreciate you considering my opinions and ideas.

I'm a non-licensed alternative counseling therapist with a private practice in Portland for the past 20 years. I'm trained and certified in a Neo-Reichian modality/perspective that isn't taught in CACREP programs and thus I am not eligible for state licensure. I'm writing to you about my concerns regarding Section 1 of HB4031 which impacts non-licensed alternative therapists, and also to advocate for public/consumer protection for Oregonians who use alternative therapies.

Brief Summary:

HB4031 Section 1 contains a provision that would remove the portion of ORS 675.825 that protects the right to practice for alternative therapists in Oregon – it deletes ORS 675.825 (4)(a) and 675.825 (4)(b). I'm opposed to removing 675.825 (4)(a-b) because without those protections, the door will be open for the MHRA/OBOP/OBLPCT to end alternative therapy practice in Oregon. I want Oregonians to have continued access to alternative therapies and also to have the level of consumer/public protection usually expected by the public for those kinds of services.

Details:

Most Alternative Therapists in Oregon have studied in programs that focus on modalities and perspectives that CACREP (The Council for Accreditation of Counseling and Related Educational Programs) doesn't list for state licensing in Oregon. These alternative therapists may be well educated in their modality, credentialed, ethical and skilled, but without CACREP endorsement these therapists aren't eligible for state licensure. When 675.825 was re-written and amended in 2009, consideration and care was put into the wording for the clauses that would protect the right to practice for alternative therapists - ORS 675.825 (4)(a) and 675.825 (4)(b). As an alternative therapist, I want to be sure that those clauses are preserved and not deleted so that the continued practice of alternative therapies in Oregon will be protected. Additionally, I'd like to see provisions for consumer protection for Oregonians who utilize therapies from alternative therapists.

As an alternative therapist, I care about consumer/public protection and I care about holding all therapists to ethical/professional standards. With respect for those who proposed HB4031 Section 1, I don't see that the provisions of HB4031 will provide for consumer protection at an

adequate level since it doesn't provide for ethical/professional standards and a process for holding alternative therapists accountable to those professional standards.

In cases where unethical/unprofessional/bad behavior by an alternative non-licensed practitioner doesn't violate existing laws, for example when unethical behavior isn't criminal or can't be defined as "practicing psychology without a license" or a similar complaint, then the state would still not have an ethical/professional standard to hold a therapist accountable to even after passing HB4031. Some examples of ethical/professional conduct violations from filings in the OBLPCT's Disciplinary Report include things like maintaining dual relationships, inappropriately disclosing confidential information, and bartering while holding a position of power. Since complaints like these may not rise to the level of criminal behavior, a standard for ethical/professional conduct and a disciplinary process would be required in order to hold an alternative therapist accountable and to remedy the situation. HB4031 doesn't address ethical/professional standards and doesn't provide for those standards.

A Constructive Alternative for Consumer/Public Protection:

I'd like to suggest an alternative that would address consumer/public protection for Oregonians who utilize services from alternative therapists.

Oregon is one of several states that permit alternative therapists to practice alternative modalities and perspectives. The state of Vermont has a model for regulating alternative therapists that we in Oregon could look to as a model for consumer protection and regulation.

Vermont maintains the "Board of Allied Mental Health Practitioners," administered by the Secretary of State's Office of Professional Regulation. The board's mission is public protection and it regulates Vermont's licensed and non-licensed (alternative) therapists. Vermont's statutes define in Ch. 26, title 78, the "Roster of Psychotherapists Who Are Non-licensed and Non-certified" and the alternative therapists listed on that roster are regulated by legislation and by rules set by Vermont's Allied Mental Health Board. Vermont's model provides for public protection with the following provisions:

1. **Professional Training Disclosure:** Vermont's Rostered Psychotherapists are required to provide detailed disclosure about their training, qualifications, and scope of practice to the public so that consumers can make well informed decisions concerning their choice of providers.
2. **Ethical Conduct:** The statutes and rules define standards of professional conduct that must be adhered to, and also explicitly define unprofessional and unethical conduct.
3. **Complaint Process:** A process is defined for filing a complaint against a Rostered therapist in Vermont.
4. **Disciplinary Process:** A disciplinary process is defined to deal with unprofessional conduct.
5. **Additional Public Protection:** An allied mental health practitioner whose license, certification, registration, or state endorsement is suspended or revoked by Vermont or any other jurisdiction is ineligible for entry on the roster.
6. **Fees:** Vermont statutes define fees paid by Rostered Therapists so that the program is funded by the membership it serves.

7. **Fair Treatment:** Vermont's Board of Allied Mental Health Practitioners is composed of 6 members, one board member being a Rostered Psychotherapist. Two other members of the board are ordinary members of the public who have no connection to or vested interest in therapy or mental health.

A similar model for a board/registry could be implemented in Oregon to provide for consumer protection and regulation for the alternative therapy services that Oregonians have shown that they want to use.

Closing Summary:

I agree with the intent to provide for consumer/public protection, but I disagree with the means of providing that protection that HB4031 Section 1 proposes. I'm asking that the state of Oregon maintains the protection for alternative therapies that has historically existed in ORS 675. I'm advocating that Section 1 of HB4031 "AMENDMENTS TO ORS 675.825" be removed and that ORS 675.825 remain unchanged.

Additionally, I'm sharing a constructive alternative that could provide for a robust set of consumer protections for those who utilize alternative therapies. This alternative is based on a model that's been in use and proven effective in the state of Vermont.

Thank you for the opportunity to communicate with you about HB4031 and for hearing my views.